

TMH:mhf 6565-66243-01 493415 03/01/06 93231-5

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MAR 01 2006

KLARQUIST SPARKMAN, LLP

16th Floor World Trade Center, 121 S.W. Salmon Street, Portland, Oregon 97204 U.S.A.

PHONE: 503-595-5300 FAX: 503-595-5301

PLEASE DELIVER DIRECTLY TO EXAMINER ERIC E. SILVERMAN

Fax No.: 571-273-8300

Total No. Pages: 3 including this cover sheet

Message: Transmitted herewith for filing in the below-identified application is a Response to Restriction Requirement. If you do not receive all pages or if you have problems receiving transmittal, please call Tanya M. Harding, Ph.D. at (503) 595-5300. The fee (large entity) has been calculated as shown below.

In re application of: Liu *et al.*

Application No. 10/601,262

Filed: June 20, 2003

Confirmation No. 6713

For: POLYMERS FOR THE DELIVERY OF
BIOACTIVE AGENTS AND METHODS
OF THEIR PREPARATION

Examiner: Eric E. Silverman

Art Unit: 1615

Attorney Reference No. 6565-66243-01

CERTIFICATE OF FACSIMILE

I hereby certify that this paper and the documents referred to as being attached or enclosed hereon are being facsimile transmitted to fax number 571-273-8300 on the date shown below.

Attorney or Agent
for Applicant(s)

Tanya M. Harding

Date Transmitted

March 1, 2006

FEE CALCULATION FOR CLAIMS AS AMENDED

For	No. after amendment	No. paid for previously	Extra	Rate	Fee
Total Claims	46	- 46*	= 0	\$50.00	\$ 0.00
Indep. Claims	2	- 3**	= 0	\$200.00	\$ 0.00
TOTAL FEE FOR THIS AMENDMENT					\$0.00

*greater of twenty or number for which fee has been paid. **greater of three or number for which fee has been paid.

Applicants believe that no additional fee is required at this time. Should any additional fee be required in connection with the filing of this Response, please charge the fee to Deposit Account 02-4550.

Tanya M. Harding, Ph.D.
Registration No. 42,630

March 1, 2006

Date

cc: Docketing

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.

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CENTRAL FAX CENTER**MAR 01 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re application of:** Liu *et al.***Application No.** 10/601,262**Filed:** June 20, 2003**Confirmation No.** 6713**For:** POLYMERS FOR THE DELIVERY OF
BIOACTIVE AGENTS AND METHODS
OF THEIR PREPARATION**Examiner:** Eric E. Silverman**Art Unit:** 1615**Attorney Reference No.** 6565-66243-01**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number 571-273-8300 on the date shown below.

Attorney or Agent
for Applicant(s)

Tanya M. Harding

Date Transmitted

March 1, 2006

VIA FACSIMILE 571-273-8300

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Office action dated January 31, 2006, Applicants elect Group II, containing claims 14-27. Applicants reserve the right to file one or more divisional applications directed to the subject matter of Groups I, III, IV and V. Applicants further elect the species of DNA molecule as the bioactive agent.

REMARKS/ARGUMENTS

Claims 1-46 are pending in the application. By this Response, Applicants have elected claims 14-27 for prosecution. Applicants understand that the Examiner will withdraw claims 1-13 and 28-46 from consideration. No amendments are made to the claims in this Response; thus, no Listing of Claims is required or included.

Applicants elect Group II, drawn to a poly (amino ester). Applicants assume that the Examiner intended Group II to encompass claims 14-27 (rather than 13-27 as indicated in the Office action), as claim 14 is an independent claim directed to a poly (amino ester) and claim 13 is a method claim that is ultimately dependent on claim 1.

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Applicants further elect the species of bioactive agent that is a DNA molecule. Applicants have noted the Examiner's comment that upon allowance of a generic claim Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Examiner Silverman is invited to telephone the undersigned if any questions remain concerning the requirement for restriction, or the comments made herein. Otherwise, the present application is ready for substantive examination, and such action is requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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121 S.W. Salmon Street
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Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



Tanya M. Harding, Ph.D.
Registration No. 42,630